IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Bail Appl..No. 7201 of 2007()

CRIME NO.116/07 OF AGALI POLICE STATION

: PETITIONER/SOLE ACCUSED

GURUSWAMI, S/O.KRISHNA SWAMI REDDIAR,
POOVATH COLONY, AGALI, MANNARKKAD,
PALGHAT.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS:

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1. STATION HOUSE OFFICER,
AGALI POLICE STATION, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7201 of 2007

Dated this the 27th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations of patricide. He is alleged to have caused the death of his father by inflicting as many as 36 injuries in the house of the petitioner on 21.09.07. He was arrested and he continues in custody from 22.09.07.

2. I have already adverted to facts in detail when an earlier application for regular bail filed by the petitioner was dismissed as per order dated 07.11.2007 in B.A.No.6781 of 2007. I have adverted to facts in detail in the said order. I am not hence adverting to facts in greater detail in this order. This order must be read in continuation of that order.

3. The learned counsel for the petitioner submits that the petitioner is innocent. At any rate, there are indications of grave and sudden provocation and of the petitioner having acted in self defence. The petitioner who has been continuing in custody from 22.09.07 may now be enlarged on bail, it is prayed. The deceased has culpable and dubious past. He had allegedly murdered the mother of the petitioner and had been found guilty, convicted and sentenced by a court. The learned counsel for the petitioner, in these circumstances, prays that the petitioner may now be granted regular bail.

4. The learned Public Prosecutor opposes the application. Investigation is not complete. Allegations are very serious and grave. On the face of it, the defence raised of grave and sudden provocation and self defence are not at all acceptable. In a serious crime like this, the investigators may be granted reasonable time to complete the investigation, submits the learned Public Prosecutor .

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. In a serious crime like this, I agree with the learned Public Prosecutor that the investigator is entitled to reasonable further time to complete the investigation. I take note of the nature and gravity of the allegations, quantum and quality of the materials that have been collected as also the stage of the investigation.

6. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 11.12.2007. The investigator must in the meantime make every endeavour to complete the investigation by then.

(R.BASANT, JUDGE)

rtr/-